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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/965,457 | 09/27/2001 | Peggy M. Stumer | 2001P16707US | 5349 |

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Elsa Keller, Legal Assistant
Intellectual Property Department
SIEMENS CORPORATION
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

LEVITAN, DMITRY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2662

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/965,457 | Applicant(s) STUMER, PEGGY M. | |
| | Examiner Dmitry Levitan | Art Unit 2662 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 12-16 and 21 is/are rejected.
- 7) ☒ Claim(s) 5-11 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/27/01, 11/25/02</u> | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: private network 100 on page 5.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "150" and "144" have both been used to designate call connection on Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 4-12 and 14-21 are objected to because of the following informalities: claims 4 and 14 limitations "said common contact point is a private/dedicated direct inward dial number" is unclear, because a number cannot be a contact point between a distributed system and a public communication network, as described in parent claims 1 and 13. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by McNiff (US 6,785,229).

McNiff teaches a method for managing packet communication over a network of distributed systems (managing IP telephony communications 2:18-25, shown on a Fig. 1, wherein switches 12 are distributed systems), each distributed system being connected to a public communications network through at least one common contact point (each hybrid switch 12, shown on Fig. 1 and 2 is connected to a public TDM network 16, disclosed as PSTN 3:12-17, using TDM physical interface 38 4:22-32), communications from said public communications network being directable to users of each of said distributed systems through a selected said common contact point (using TDM interface 38 to connect the public TDM network with users 18 4:38-40), comprising:

a. Receiving a communication packet at a first distributed system, said communication packet being directed to a user of a connected second distributed system (receiving a packet from caller A at hybrid switch X, directed to a caller B connected to a

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hybrid switch Y 3:65-4:8, wherein Caller A is an IP telephone 3:27-32 and switches X and Y are connected through packet network 14 3:50-56),

b. Checking network traffic to determine if said communications packet may be received over said network by said user at a selected quality level (call control module 30 on Fig. 2 monitoring hybrid switch 12 connections quality 4:53-56 using session information table on Fig. 3 6:8-18), and

c. Routing communications through the public communications network to said connected second distributed system in response to a determination that packets cannot be passed over said network at said quality level (switching communications to the public TDM network 5:20-36 based on the quality level 6:8-18).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 12-16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNiff in view of Admitted Prior Art (Brief description of the Prior Art, pages 1-3).

Regarding claim 2, McNiff teaches all the limitations of the parent claim (see claim 1 rejection above), including using VoIP techniques 1:32-42.

McNiff does not teach using private network.

Admitted Prior Art teaches using IP private network (IP private network on page 1).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using private network of Admitted Prior Art to the system of McNiff to improve the system security for the communications directed over the Internet.

Regarding claim 3, McNiff teaches routing the call from said first distributed system to said selected contact point of a second distributed system (routing the call from hybrid switch X to TDM physical interface 38 of a hybrid switch Y 3:65-4:12, wherein switches X and Y are connected through public TDM network 16).

Regarding claims 4 and 12 (as best understood), McNiff teaches all the limitations of the parent claim (see claims 1-3 rejection above), including hybrid switch 12 comprising a router/gateway 3:41-50.

McNiff does not teach using common contact point as a private DID ISDN trunk.

Admitted Prior Art teaches using private DID trunks to connect a router/gateway (using private DID trunks to connect a router on page 1) and using ISDN to connect a public network (using ISDN or BRI public protocols to connect a public network on page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using private DID ISDN trunks of Admitted Prior Art to the system of McNiff to reduce the system cost by utilizing already existing trunks/connections to public TDM network/PSTN.

Regarding claim 13, McNiff teaches all the limitations of the parent claim (see claim 1 rejection above), including a call manager in at least one of the distributed systems, selectively diverting calls between users of different distributed systems over public communication network (call manager 30 on Fig. 2 and 5:20-35 switching the communication session to public TDM network 16).

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McNiff does not teach using private network.

Admitted Prior Art teaches using IP private network (IP private network on page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using private network of Admitted Prior Art to the system of McNiff to improve the system security for the communications directed over the Internet.

Regarding claims 14 and 15 (as best understood), McNiff teaches all the limitations of the parent claim (see claim 13 rejection above), including hybrid switch 12 comprising a router/gateway 3:41-50.

McNiff does not teach using common contact point as a private DID ISDN trunk.

Admitted Prior Art teaches using private DID trunks to connect a router/gateway (using private DID trunks to connect a router on page 1) and using ISDN to connect a public network (using ISDN or BRI public protocols to connect a public network on page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using private DID-ISDN trunks of Admitted Prior Art to the system of McNiff to reduce the system cost by utilizing already existing trunks/connections to public TDM network/PSTN.

Regarding claim 16, McNiff teaches said gateway is a TDM packet based conversion gateway (hybrid switch 12 is a mixed environment gateway, inherently converting TDM into packets and back, because hybrid switch 12 interconnects TDM and packet networks 3:40-50).

Regarding claim 21 (as best understood), McNiff in view of Admitted Prior Art teaches all the limitations of the parent claims (see claims 13 and 14 rejections above), including using VoIP techniques 1:32-42.

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McNiff does not teach using private network and a single dedicated DID trunk at each distributed system.

Admitted Prior Art teaches using IP private network (IP private network on page 1) and DID trunks connecting routers/gateway (DID trunks on page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using private network of Admitted Prior Art to the system of McNiff to improve the system security for the communications directed over the Internet and using a single DID trunk as a design choice, because two DID trunks will work in the system as well.

Allowable Subject Matter

7. Claims 5-11 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and resolving of the claims objections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'DL' followed by a stylized name.

Dmitry Levitan
Patent Examiner.
08/09/05